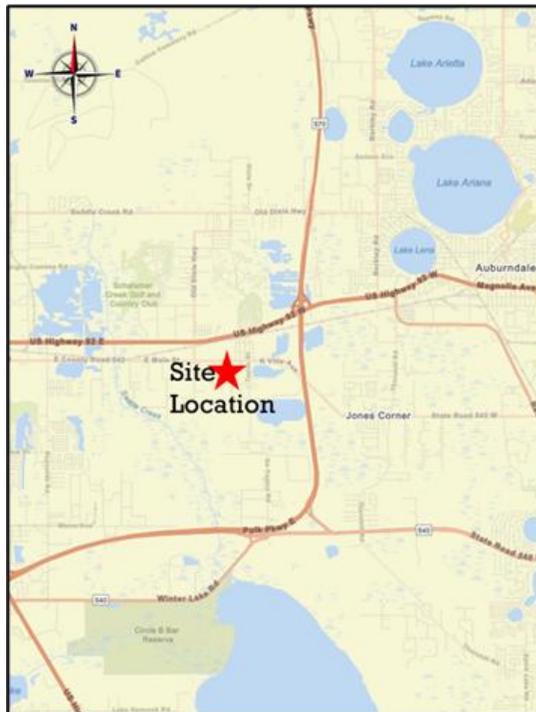


**POLK COUNTY
DEVELOPMENT REVIEW COMMITTEE
STAFF REPORT**

DRC Date: January 25, 2024	Level of Review: Level 3 Review
PC Date: April 3, 2024	Type: Conditional Use (CU)
BoCC Date: N/A	Case Numbers: LDCU-2023-49
Applicant: James Watkins Jr.	Case Name: K Ville Avenue (MH) CU
	Case Planner: Malissa Celestine, Planner II

Request:	The applicant is requesting Conditional Use (CU) approval for a mobile home to be located in a subdivision where fewer than 50% of developed lots have mobile homes.
Location:	The subject property is located north of Roberts Avenue, south of State Road 600 (US 92), west of Taylor Street, east of Carter Street, west of Auburndale, in Section 18, Township 28, and Range 25.
Property Owners:	James Watkins Bridget Watkins
Parcel Size (Number):	±0.34 acres (252818-346500-002710)
Future Land Use:	Residential Suburban (RS)
Development Area:	Suburban Development Area (SDA)
Nearest Municipality:	City of Auburndale
DRC Recommendation:	Conditional Approval
Planning Commission Vote:	Pending Hearing

Site Location



Adjacent Homes



Summary of Analysis:

The applicant is requesting Conditional Use (CU) approval for a mobile home (MH) to be placed on approximately 0.34 acres within a Residential Suburban (RS) Future Land Use District (*Exhibit 2*). The parcel is identified as Lots 271-274 of the Kossuthville Townsite Subdivision (PB 17, PG 50), eligible for one (1) residential dwelling unit pending issuance and finalization of building permits. Per Chapter 2, Section 205, Table 2.1 (Use Table for Standard Land Use Districts) of the Land Development Code (LDC) a MH request is typically reviewed via the Level 1 Review process by the County's administrative staff. However, fewer than 50% of developed lots have mobile homes within the subject subdivision. In instances where a request for a mobile home does not meet the conditional use requirements in Section 303 #1-8 of the Code, the applicant may request approval via a Level 3 Review from the Planning Commission.

There is an array of varying residential and nonresidential uses within this development. The Kossuthville Townsite Subdivision Plat was recorded in December 1925 and consists of site-built homes, mobile homes, multifamily, and nonresidential structures (*Exhibit 3*). Information from the Polk County Property Appraiser's website revealed 81 developed parcels within the subdivision. Of that, 52 lots contain site-built homes, 22 lots have mobile homes, four (4) lots are established with multifamily structures, and two (2) lots are developed with nonresidential buildings.

There are many outdated perceptions of "mobile homes." According to the Manufactured Housing Institute, "today's manufactured homes are built with the same building materials as site-built homes, but in a controlled factory environment where the quality of construction is superior to what can be done outdoors." With the current economy, mobile homes are more feasible for some individuals, as they can be up to 50 percent less than site-built homes. A picture of the proposed mobile home can be found on page 19 of the staff report (*Exhibit 7*).

The site will utilize a private well and an onsite septic tank, according to the applicant's impact assessment. The applicant has submitted a site plan (*Exhibit 5*) that demonstrates compliance with the setbacks required in RS land use districts. The request to place a mobile home is compatible with the surrounding area as six (6) mobile homes can be found on the same block and should not cause any public safety concerns. Page 20 of the staff report also depicts previously approved mobile homes in the Kossuthville Townsite Subdivision (*Exhibit 8*). Staff recommends approval. The proposed request is consistent with the LDC and Comprehensive Plan.

Findings of Fact

- *LDCU-2023-49 is a request to allow a mobile home on Parcel No. 252818-346500-002710 (± 0.34 acres) located within a Residential Suburban (RS) Future Land Use District and Suburban Development Area (SDA).*
- *The subject parcel is identified as Lots 271-274 of the Kossuthville Townsite Subdivision (PB 17, PG 50) where fewer than 50% of the developed lots are constructed with Mobile Homes.*
- *According to the Polk County Property Appraiser's website, there are 52 site-built homes, 22 mobile homes, four (4) multifamily structures, one (1) religious institution, and one (1) office building within the Kossuthville Townsite development.*
- *The immediate properties surrounding the proposed site are within the Residential Suburban (RS) land use district and consist of vacant land, a mobile home, and site-built structures.*
- *There are six (6) lots developed with mobile homes on the same block as the proposed mobile.*
- *There has been five (5) previously approved conditional use (CU) mobile homes (MH) within the subject Section, Township, and Range.*
- *According to the County's Road Inventory, CR 542 also identified as K-Ville Avenue (Road No. 851810) is classified as a Rural Minor Collector (RMC) County-maintained, paved roadway with a surface width of 22 feet.*
- *Chapter 2, Section 205, Table 2.1 of the LDC, indicates Individual Mobile Homes within the RS district are conditionally permitted following a Level 1 Review.*
- *Per Chapter 2, Table 2.2, primary structure setbacks in the RS district are ten (10) feet for the interior sides, 15 feet interior rear property lines, and the right-of-way setback along an RMC roadway is 35 feet.*
- *Per Chapter 3, Section 303 of the LDC, Individual Mobile Homes are allowed in all of the following locations:*
 1. *Within any registered mobile home park that has been approved by Polk County;*
 2. *Within any platted residential subdivision that has been approved by Polk County as a mobile home subdivision;*
 3. ***Within any platted residential subdivision, or single platted phase within a multiple phased development, in which 50 percent or more of the developed lots contain mobile homes;***
 4. *On any un-platted legal residential lot or parcel in the A/RR district;*
 5. *On any un-platted legal residential lot or parcel that is five acres or larger in the RS district;*
 6. *On any un-platted legal residential lot or parcel that is abutting vacant properties to all side and rear property lines;*

7. *On any un-platted legal residential lot or parcel where at least one property abutting the subject property's side lot line has a mobile home;*
8. *On lots of record, including those within platted subdivisions, where at least one property abutting the subject property's side lot line has a mobile home. Within subdivisions, the abutting property must be within the plat; or,*
9. ***On any legal residential lot or parcel where it is determined by the Planning Commission to be compatible with the established character of the surrounding area.***

- *Chapter 2, Section 204.A.3 of the LDC states, "The purpose of the RS district is to provide areas for suburban-density residential development to promote the proper transition of land from rural to urban uses. The RS district permits single-family dwelling units, family care homes, agricultural support uses, and community facilities."*
- *Sheriff's response to the site is served by the Central District, located at 3635 Ave G NW in Winter Haven. The response times for CE in February 2024 were: Priority 1 Calls - 9:59 and Priority 2 Calls - 21:26.*
- *Fire and EMS Response is from Polk County Fire Rescue Station 39, located at 3325 East Main Street, Lakeland. This is located approximately 0.6 miles from the subject site with a response time of six (6) minutes.*
- *The subject property is not located within any Polk County Utility Service Areas. The lot will utilize an onsite treatment system for wastewater and a private well for potable water.*
- *The development is zoned for Clarence Boswell Elementary, Jere L. Stambaugh Middle, and Tenoroc High School. The site is approximately 1.6 miles from Clarence Boswell Elementary, 5.2 miles from Jere L. Stambaugh Middle, and 2.7 miles from Tenoroc High School.*
- *The subject parcel is not located within the County's Wellhead-Protection Area.*
- *The property is composed of 9.9% Pomona fine sand and 90.1% Pomona-Urban land complex.*
- *The site does not contain wetlands or flood zones.*
- *According to the Florida Natural Areas Inventory Biodiversity Matrix, the site is not located within a one-mile radius of endangered species.*
- *According to a preliminary report from the Secretary of State's Department of Historical Resources Florida Master Site File, no archaeological sites are found within the parcel boundaries.*
- *There is a Citrus Connection stop within one (1) mile of the subject parcel. The Purple line is ± 0.12 miles from the subject property, located to the northeast at the intersection of Payne Street and K-Ville Avenue.*

- *Per Chapter 10 (Definitions) of the LDC, **Manufactured Home/Mobile (HUD Home)** is defined as “a **dwelling unit** constructed on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standard Act.”*
- *Per Chapter 10 (Definitions) of the LDC, **Manufactured or Modular Home (DCA Home)** is defined as “a **dwelling unit** fabricated in an off-site manufacturing facility for installation or assembly at the building site bearing a seal certifying that it is built in compliance with the Florida Manufactured Building Act of 1979 (F.S. § 553.35-553.42). The Department of Community Affairs (DCA) oversees the administration and enforcement of the Florida Manufactured Building Act.”*
- *Per Chapter 10 (Definitions) of the LDC, a **Single-Family Detached Home** is “a structure containing one **dwelling unit**, and not attached to any other dwelling unit by any means.”*
- *POLICY 2.203-A2 of the Comprehensive Plan (Housing Element) states that “Mobile homes shall be allowed in all areas of the County designated for **residential development**, subject to siting and design criteria consistent with the County’s Land Development Code.”*
- *Chapter 553 of the **Florida Statutes** states that “**Mobile Homes**” means any residential **unit** constructed to standards promulgated by the United States Department of Housing and Urban Development. Mobile homes are built to a separate standard than site-built homes and may be regulated differently than site-built and other manufactured homes. Site-built homes and other manufactured homes are built to the standards set forth in Chapter 553 of Florida Statutes.*
- *According to the Manufactured Housing Institute, “a manufactured home is constructed entirely in a controlled factory environment, built to the federal Manufactured Home Construction and Safety Standards, better known as the HUD. A site-built home is built “on-site” using traditional building techniques that meet either a local or state building code.*
- *The site is located This subject property is located in the Suburban Development Area (SDA). According to POLICY 2.106-A5 of Polk County’s Comprehensive Plan, “Development within the Suburban Development Areas (SDA) shall conform with the following criteria as further specified in the Land Development Code:*
 - a. support continued agricultural activities by requiring the implementation of compatibility techniques to limit land use conflicts;*
 - b. protect and preserve open space, agricultural and environmentally sensitive lands by implementing clustering and other conservation development strategies as established in Section 2.1251 of this element;*
 - c. incorporate design features that promote healthy communities, green building practices, conservation development principles, and other initiatives consistent with Section 2.1251 - Community Design, of this element;*

- d. *provide access to civic space, parks, green areas, and open space and other amenities;*
 - e. *be supported by public safety (i.e., fire, EMS and law enforcement);*
 - f. *have access to elementary schools;*
 - g. *encourage connectivity between uses within the SDA, and between the SDA and other urban centers and the rural development areas; and*
 - h. *in order to achieve higher densities and intensities allowed by each land use, development in the SDA shall be required to connect to centralized water system and incorporate clustering and other low impact design criteria as established under the Residential Suburban (RS) land use criteria, the Conservation Development Section (Section 2.1251), the Residential Rural Development (RRD) or the Rural Mixed Used Development (RMD) sections (Section 2.1251) of this element.*
- *The Comprehensive Plan defines Compatibility in Section 4.400 as “A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.”*
 - *This request has been reviewed for consistency with Section 303 and Section 906 of the LDC.*

Development Review Committee Recommendation: Based on the information provided by the applicant, the findings of fact, a recent site visit, and the analysis conducted within this staff report, the Development Review Committee (DRC) finds that with the proposed conditions the request **IS COMPATIBLE** with the surrounding land uses and general character of the area and **IS CONSISTENT** with the Polk County Comprehensive Plan and Land Development Code. Therefore, the DRC recommends **APPROVAL of LDCU-2023-49**.

CONDITIONS OF APPROVAL

Based upon the findings of fact, the Development Review Committee recommends **APPROVAL** of **LDCU-2023-49** with the following Conditions:

1. LDCU-2023-49 is approved for no more than one (1) mobile home on Parcel No. **252818-346500-002710** as indicated in the site plan and staff report.

GENERAL NOTES

NOTE: This staff report was prepared without the benefit of testimony and evidence submitted by the public and other parties at a public hearing.

NOTE: Approval of this request shall not constitute a waiver or variance from any applicable development requirement unless specifically noted in the conditions of approval and consistent with the LDC.

NOTE: All written comments made in the application and subsequent submissions of information made during the application review process, which are on file with the Land Development Division, shall be considered to be binding upon the applicant, provided such comments are not at variance with the Comprehensive Plan, LDC or other development regulations in effect at the time of development.

NOTE: Approval of this request is only for Level 3 Review and only for those development decisions within the Planning Commissioners' jurisdiction. A Level 2 Review (engineered plans) will be required reflecting the standard conditions listed in Section 303 of the Land Development Code and the development standards listed in Chapter 7 of the Land Development Code. Upon completion of the Level 2 Process, building permits will be required for all structures in accordance with Chapter 553 of the Florida Statutes.

NOTE: Issuance of a development permit by the county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

Surrounding Land Use Designations and Current Land Use Activity

The following table provides a reference point for notable and pertinent Future Land Use Map districts and existing land uses upon them.

Northwest: RS Site-Built (1958) 1,060 sq. ft. ±0.16 acres	North: RS Site-Built (1956) 864 sq. ft. ±0.14 acres	Northeast: RS Site-Built (1940) 1,032 sq. ft. ±0.29 acres
West: RS Vacant ±0.34 acres	Subject Property: RS Vacant ±0.34 acres	East: RS Site-Built (1950) 900 sq. ft. ±0.17 acres
Southwest: RS Mobile Home (1991) 1,568 sq. ft. ±0.34 acres	South: RS Site-Built (1956) 936 sq. ft. ±0.40 acres	Southeast: RS Site-Built (1998) 2,044 sq. ft. ±0.56 acres

Source: Polk County Geographical Information System and site visit by County staff

The proposed mobile home will be located on approximately 0.34 acres within the Residential Suburban (RS) future land use district and is identified as Lots 271-274 of the Kossuthville Townsite Subdivision (PB 17, PG 50). The subdivision's plat was approved on December 23, 1925. According to further information retrieved from the Polk County Property Appraiser's website, the property was acquired through a Warranty Deed on August 29, 2023 (OR Book 12818 Page 01957) and is eligible for a building permit. Although immediate properties surrounding the proposed site consist of vacant land, a mobile home, and site-built structures, other mobile homes and nonresidential structures are interspersed throughout the subdivision (*Exhibit 3*). All properties in the development are within the RS land use district.

Compatibility with the Surrounding Land Uses and Infrastructure:

The LDC defines compatibility as “A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.”

Staff finds this request to be compatible with the surrounding land uses. Out of 81 developed parcels there are 52 site-built homes, 22 manufactured homes, four (4) multifamily structures, and two (2) non-residential structures within the Kossuthville Townsite development, according to the Property Appraiser's website. Research revealed that six (6) of the 22 MHs

with in the development are located on the same block as the proposed mobile home. Please refer to the table below as there have been several other approved mobile homes within this development. A visual reference of the approved mobile homes can be found on page of 20 this report.

Table 2

Case	Date	Vote
LDCU-2022-53	6-7-2023	Approved 7:0
LDCU-2020-22	12-2-2020	Approved 5:0
LDCU-2020-21	12-2-2020	Approved 5:0
LDCU-2019-21	11-6-2019	Approved 7:0
LDCU-2018-20	7-11-2018	Approved 7:0

Today, manufactured homes are available in a variety of designs, floor plans, and amenities. The BoCC recently approved an ordinance to permit accessory dwelling units (ADU) in conjunction with permitted mobile homes, acknowledging the similarities in the structures. Given the improved standards for mobile home construction in recent years, staff finds the placement of a mobile home in this location to be compatible with surrounding homes. In addition, mobile homes are interspersed throughout the vicinity, as are site-built homes, multi-family and non-residential structures (*Exhibit 3*). The applicant’s site plan indicates the proposed setbacks will exceed the requirements of the RS district standards. The specified rooftops in the immediate vicinity of the subject parcel, their sizes, and the year they were built can be found on Table 1, above. Furthermore, the impact from a single mobile home is minimal.

Urban Services and Infrastructure Analysis

The surrounding area has public safety service facilities that are operating within their adopted Level-of-Service (LOS) standard with no deficiencies. Placement of one (1) mobile home will not trigger school concurrency requirements; however, there is available capacity for the zoned schools. The subject property will utilize an onsite treatment system for wastewater and a private well for potable water, according to the submitted impact assessment statement.

Table 3, to follow, summarizes urban services and infrastructure for the surrounding area. Based upon the nature and size of the request, this proposal is not anticipated to create any significant demand on these services.

Table 3

Urban Services and Infrastructure Summary	
Schools (Zoned)	The development is zoned for Clarence Boswell Elementary, Jere L. Stambaugh Middle, and Tenoroc High School. School Concurrency will not be assessed for the placement of one mobile home and will not prohibit the applicant from getting a building permit.
Sheriff	Sheriff’s response to the site is served by the Central District, located at 3635 Ave G NW in Winter Haven. The response times for CE in February 2024 were: Priority 1 Calls - 9:59 and Priority 2 Calls - 21:26.
Fire/EMS	Fire and EMS Response is from Polk County Fire Rescue Station 39, located at 3325 East Main Street, Lakeland. This is located approximately 0.6 miles from the subject site with a response time of six (6) minutes.
Water	Private Well
Sewer	Onsite Treatment System
Transportation	The subject site has direct access through K-Ville Ave (CR 542) which is monitored by TPO. It is classified as a Rural Minor Collector, County-maintained, two-lane, paved roadway. According to the 2023 Roadway Network Database, CR 542 (4169E) has approximately 384 available PM Peak Hour trips; CR 542 (4169W) has approximately 368 available PM Peak Hour trips. CR 542 current Level-of-Service (LOS) is “C” with an adopted LOS standard of “D”.
Urban Sprawl	Site is located within the SDA and is not considered urban sprawl.

Table 4, below, identifies the anticipated impact of one mobile home on water and sewer services. The subject property is not located within any Polk County Utility Service Areas so County utilities will not be impacted. As previously mentioned, the lot will utilize an onsite treatment system for wastewater and a private well for potable water. The placement of one mobile home will have negligible impacts on the traffic on local roadways.

Table 4

Impact Analysis Summary Proposed Conditional Use: (One Mobile Home)			
Potable Water Impact	Wastewater Impact	*AADT Impact	*PHT Impact
360 GPD	270 GPD	7.81 AADT	1.00 PHT
<i>Source: Polk County Concurrency Manual. The proposed development assumes that the potable water rate for a mobile home will consume 360 GPD and generate 270 GPD in wastewater. ITE 210-Single Family rate was used to determine similar AADT and PM Peak Hour rates for mobile homes. The AADT rate was 7.81 and the PM Peak Hour rates was 1.00 per unit.</i>			

Environmental Conditions Analysis

There are no wetlands or flood hazard zones on the subject site. No known conditions exist that should pose a threat to the existing environmental resources based upon the proposed request (*See Table 5, below*). The subject site is not located within any of the County’s identified Wellhead-Protection Areas. The subject property is not located within a one-mile radius of endangered species, according to the Florida Natural Areas Inventory Biodiversity Matrix. The property is composed of Pomona fine sand and Pomona-Urban land complex soils which provides some limitations for drainage, but not of such that would limit compliance with applicable LDC regulations for the proposed use. The subject property contains no surface water features; it is not located within a Historical Preservation area. Additionally, the subject site is outside any Airport Height Notification and In-Flight Visual Interference Zones.

Table 5

Environmental Conditions Summary	
Surface Water	None
Wetlands/Floodplains	Wetlands and Floodplains are not located on the site.
Soils	The property is composed of 9.9% Pomona fine sand and 90.1% Pomona-Urban land complex.
Protected Species	The subject site is not located within one mile of any identified endangered species. (Source: Florida Natural Areas Inventory Biodiversity Matrix).
Wellfield Protection	The property is not located within any County Wellhead-Protection Areas. The nearest is 5.2 miles to the east.
Historical Preservation	The subject property contains no historical resources as monitored by the State of Florida’s Division of Historical Resources.
Airports	The subject property is located outside any Airport’s Height Notification and In-Flight Visual Interference Zones.

The Planning Commission, in the review of development plans, shall consider the following factors listed in Table 6 in accordance with Section 906.D.7 of the Land Development Code.

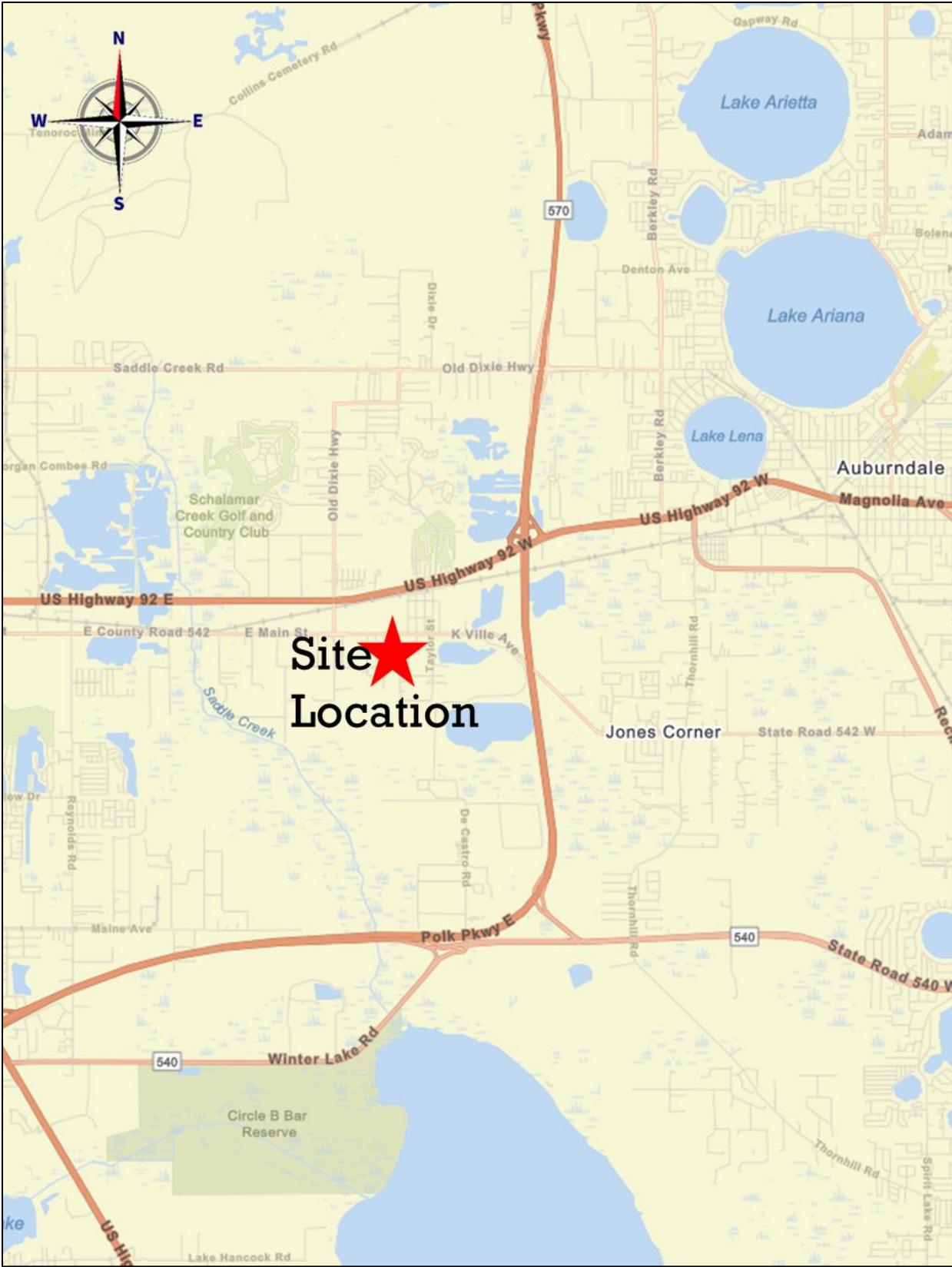
Table 6

The Planning Commission, in the review of development plans, shall consider the following factors in accordance with Section 906.D.7 of the LDC:	
Whether the proposed development is consistent with all relevant requirements of this Code;	<i>Yes, this request is consistent with the LDC, specifically Section 303 which permits this use upon completion of a Level 3 Review. These can be found in the Findings of Fact on Pages 3-6 of the staff report.</i>
Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;	<i>Yes, this request is consistent with the Comprehensive Plan.</i>
Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and	<i>Yes, the request is compatible with surrounding uses and the general character of the area. See Page 8-9 of this staff report for data and analysis on surrounding uses and compatibility.</i>
How the concurrency requirements will be met if the development were built.	<i>This request will not require concurrency determination from utilities, the School Board, or TPO. The impact on public services can be found in the analysis found on Page 9 of the staff report.</i>

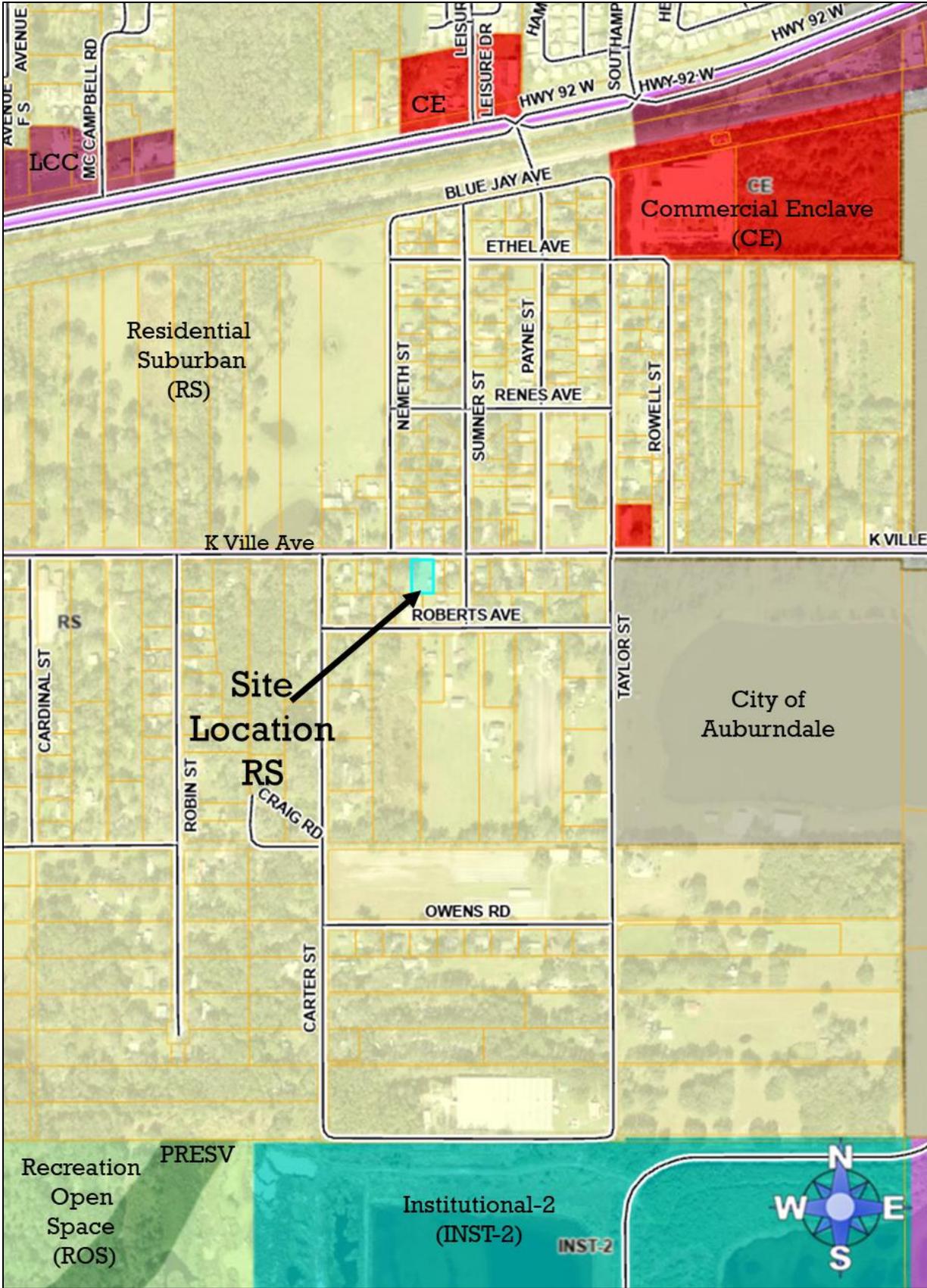
Comments from other Agencies: None

Exhibits:

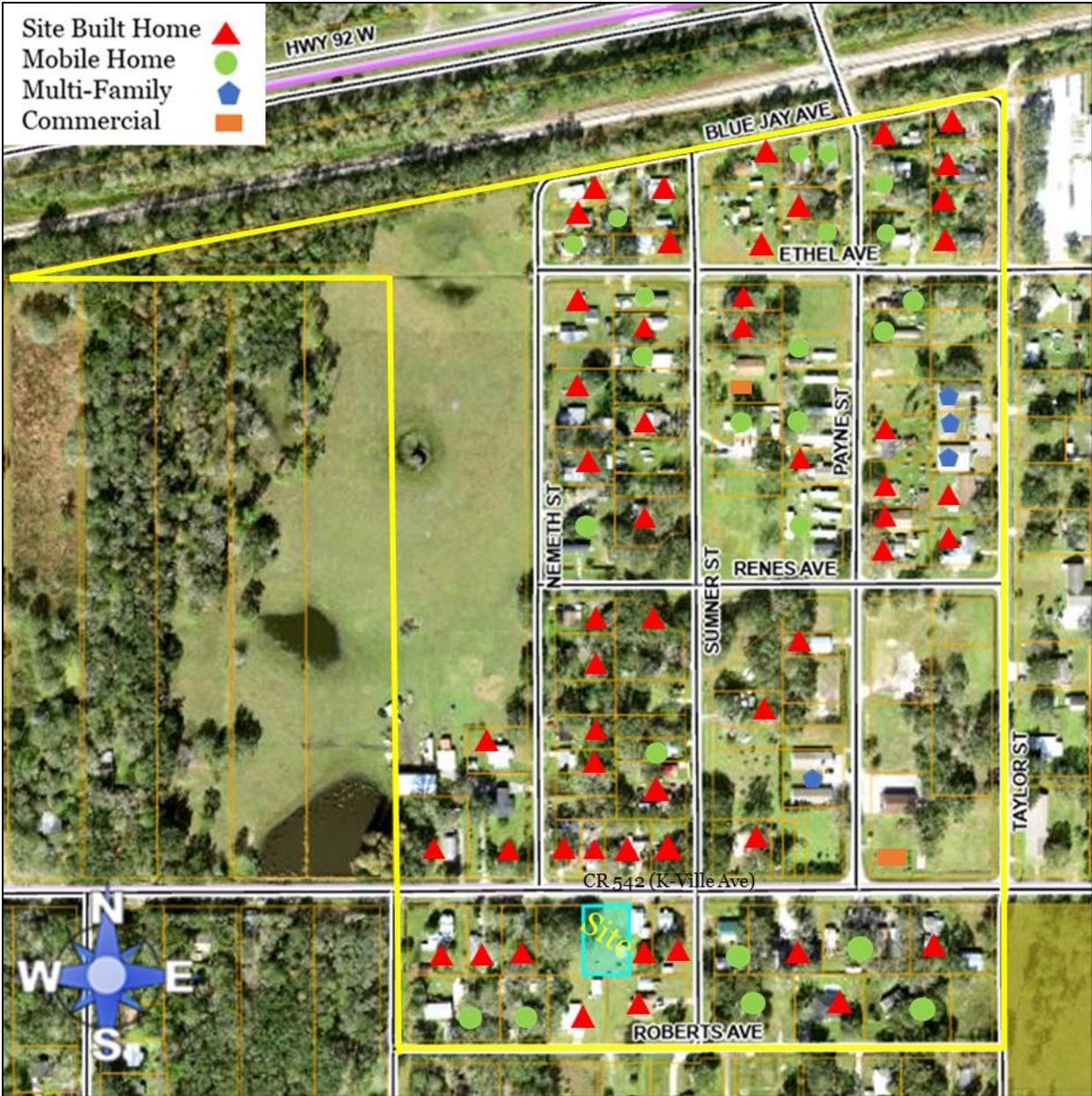
- Exhibit 1 Location Map
- Exhibit 2 Future Land Use Map
- Exhibit 3 Adjacent Homes
- Exhibit 4 Aerial Image (Context)
- Exhibit 5 Aerial Image (Close)
- Exhibit 6 Site Plan
- Exhibit 7 Example of Mobile Home
- Exhibit 8 Previously Approved Mobile Homes



Location Map



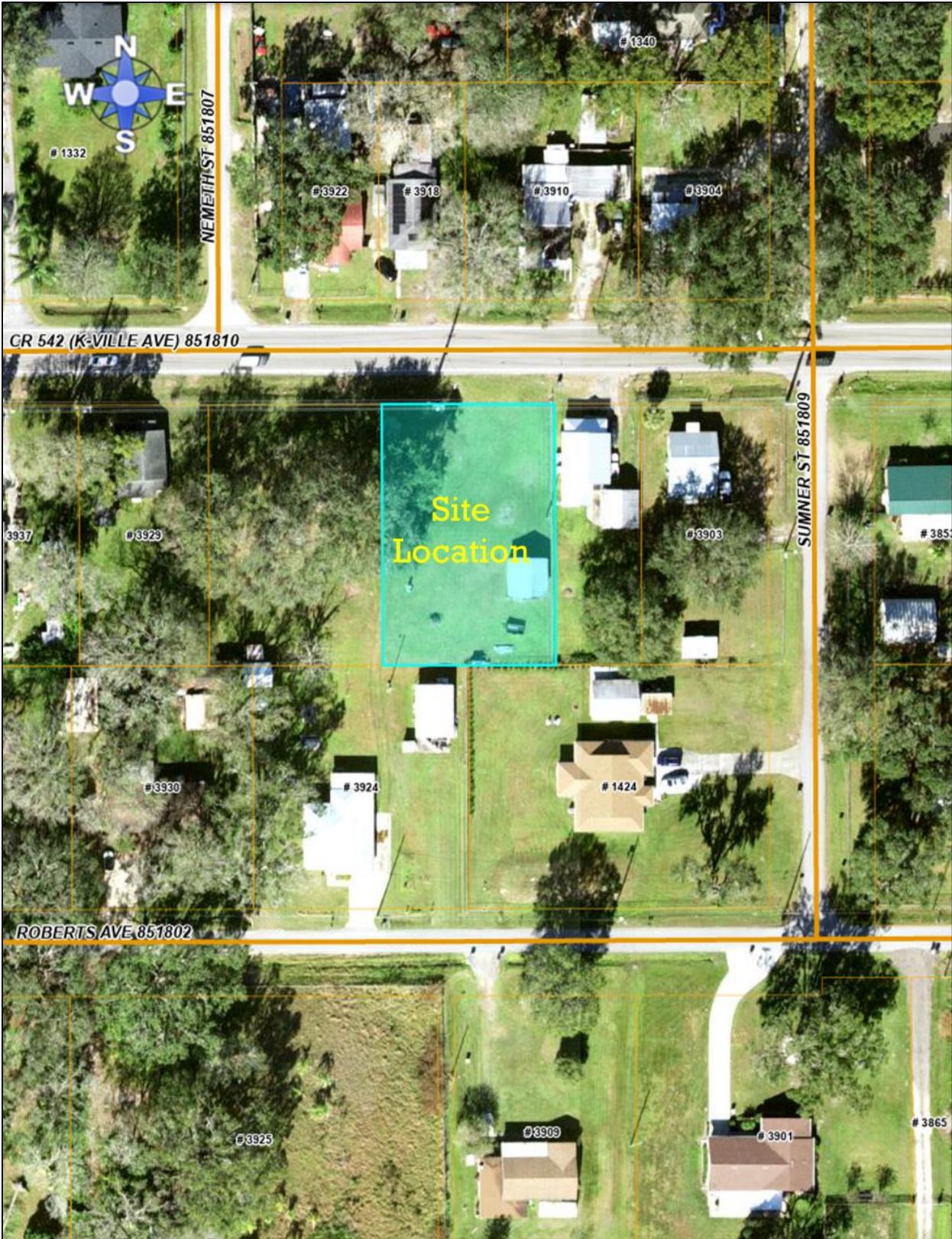
Future Land Use Map



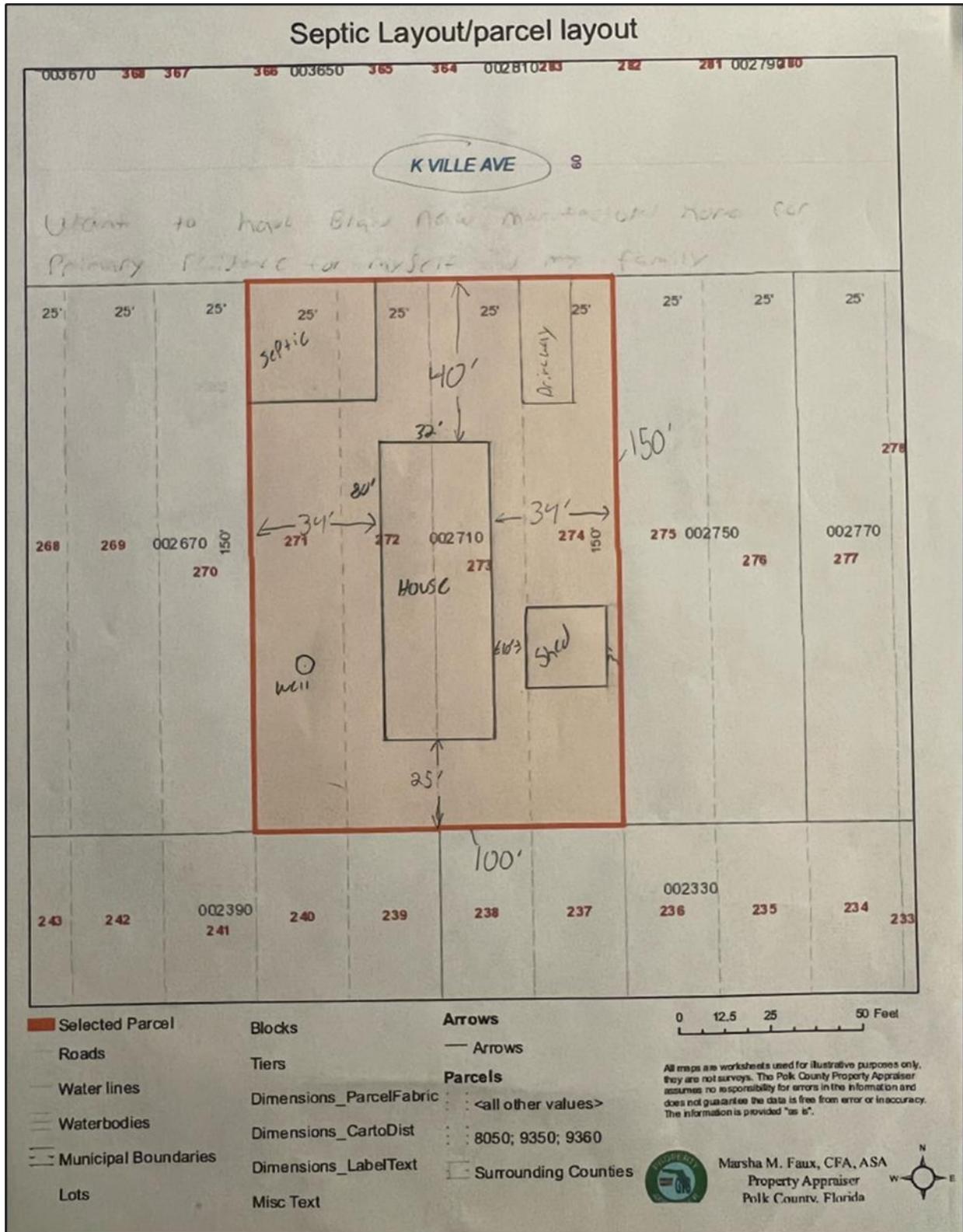
Adjacent Homes



2023 Aerial Image (Context)



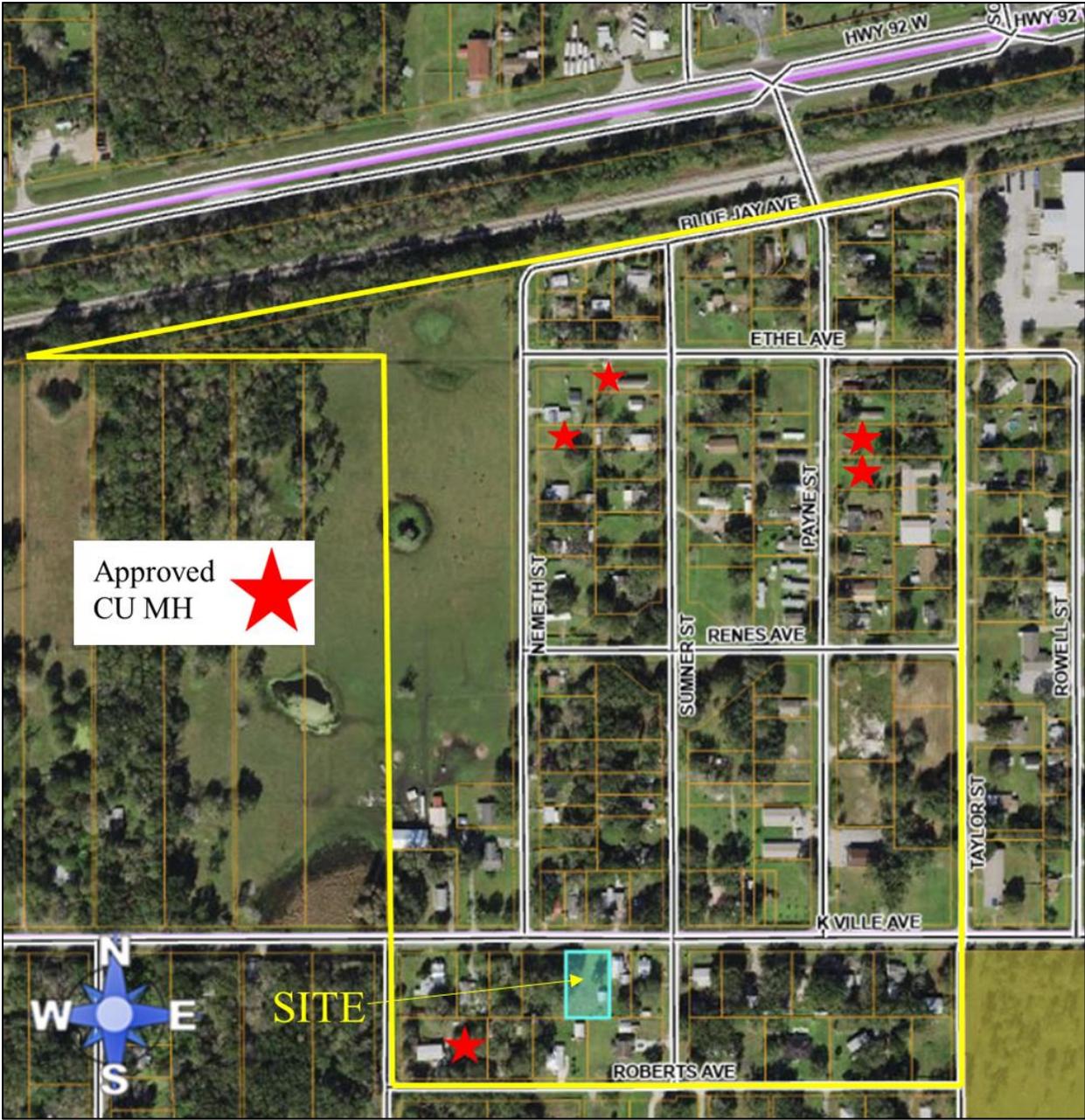
2023 Aerial Image (Close)



Site Plan



Example of Proposed Mobile Home



Previously Approved Mobile Homes

(Kossuthville Townsite Subdivision)